

Message Text

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ORIGIN SS-10

INFO OCT-01 ISO-00 SSO-00 /011 R

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DRAFTED BY: EA/VN:RJROSENBERG:JCM

APPROVED BY:EA/VN:RHWENZEL

S/S-O:PPSARROS

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FM SECSTATE WASHDC

TO AMEMBASSY PARIS IMMEDIATE

S E C R E T STATE 209915

EXDIS

FOLLOWING SENT ACTION SECSTATE INFO USDEL JEC PARIS OCT 21
FROM SAIGON REPEATED TO YOU. QUOTE:

S E C R E T SAIGON 18282

EXDIS

E.O. 11652: GDS

TAGS: MILI VS

SUBJECT: PROPOSED NOTE TO DRV ON VIOLATIONS OF ARTICLE 7

1. SINCE COMMUNISTS ARE INCREASINGLY RESORTING TO ATTACKS ON
U.S. AND GVN FOR VIOLATIONS OF ARTICLE 7 OF PARIS AGREEMENT,
AN AREA WHERE THEY THEMSELVES ARE ESPECIALLY VULNERABLE, I
HAVE INSTITUTED CONSULTATIONS WITH THE FOREIGN MINISTRY ON HOW
WE SHOULD RESPOND. THE DRAFT NOTE BELOW IS THE PRODUCT OF
THESE CONSULTATIONS. ACTING FOREIGN MINISTER DUC AND I HAVE BOTH
GONE OVER THIS DRAFT AND APPROVED IT. I THINK DEPARTMENT WILL
FIND IT NEEDS LITTLE IF ANY EDITING.

2. OUR PLAN IS FOR U.S. TO SEND NOTE TO DRV THROUGH PARIS
CHANNEL WHILE GVN AT SAME TIME ISSUES PUBLIC STATEMENT WITH
SAME GENERAL CONTENT AS OUR NOTE. WE WOULD RELEASE TEXT OF OUR
SECRET

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NOTE AT LEAST ONE DAY LATER.

3. DRAFT NOTE FOLLOWS: BEGIN TEXT (COMPLIMENTARY OPENING)
THE U.S. REFERS TO RECENT STATEMENTS BY THE DRV THAT THE

U.S. IS ILLEGALLY PROVIDING MILITARY ASSISTANCE TO THE RVN AND STATES THAT THESE CHARGES ARE WITHOUT ANY FOUNDATION AND INTENDED TO MASK THE DRV'S OWN CONTINUING VIOLATIONS OF THE PARIS AGREEMENT. THE U.S. DRAWS THE DRV'S ATTENTION TO THE FACT THAT, AS SET FORTH IN THE U.S. NOTE OF APRIL 20, 1973, TO THE SIGNATORIES OF THE ACT OF PARIS AND IN THE U.S. NOTE TO THE DRV DATED SEPTEMBER 10, 1973, THE DRV SIDE HAS SHIPPED VAST QUANTITIES OF WAR MATERIAL INTO SOUTH VIETNAM SINCE JANUARY 28 IN VIOLATION OF ARTICLE 7 OF THE PARIS AGREEMENT.

THE U.S. NOTES THAT ALSO IN CONTRAVENTION OF ARTICLE 7 OF THE PARIS AGREEMENT THE DRV SIDE HAS DESPATCHED LARGE NUMBERS OF NORTH VIETNAMESE TROOPS INTO SOUTH VIETNAM SINCE JANUARY 28, 1973. SOME OF THESE TROOPS ENTERED SOUTH VIETNAM BY CROSSING THE DMZ IN VIOLATION OF ARTICLE 15 (B) OF THE AGREEMENT, WHILE OTHERS ENTERED THROUGH LAOS AND CAMBODIA, VIOLATING ARTICLE 20.

THE U.S. FURTHER NOTES THAT THE DRV SIDE HAS FAILED TO HONOR ITS COMMITMENT UNDER THE PARIS AGREEMENT, WHICH WAS RENEWED IN THE JOINT COMMUNIQUE OF JUNE 13, TO DESIGNATE POINTS OF ENTRY AND TO DISCUSS IN THE TWO PARTY JOINT MILITARY COMMISSION MODALITIES FOR THE SUPERVISION OF THE REPLACEMENT OF ARMAMENTS, MUNITIONS, AND WAR MATERIAL PERMITTED UNDER ARTICLE 7 OF THE PARIS AGREEMENT.

IN ADDITION, BECAUSE OF THE DRV SIDE'S FAILURE TO COOPERATE WITH ICCS AND TO PROVIDE IT ASSISTANCE AND PROTECTION AS REQUIRED BY ARTICLE 10 OF THE ICCS PROTOCOL, THE ICCS HAS BEEN UNABLE TO STATION AND MAINTAIN TEAMS AT CERTAIN LOCATIONS WHERE ARTICLE 4(D) OF THE ICCS PROTOCOL REQUIRES THAT SUCH TEAMS BE STATIONED: GIO LINH, LAO BAO, DUC CO, AD XA MAT. IN GONSEQUENCE OF THESE FAILURES BY THE DRV TO HONOR ITS COMMITMENTS UNDER THE PARIS

AGREEMENT AND ITS PROTOCOLS THE MACHINERY PROVIDED FOR IN THE AGREEMENT TO SUPERVISE REPLACEMENT OF WAR MATERIALS BY THE TWO SOUTH VIETNAMESE PARTIES HAS NEVER BEEN ESTABLISHED. RESPONSIBILITY FOR THE LACK OF SUPERVISION OF, AND CONTROL OVER, IMPORT OF
SECRET

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WAR MATERIALS INTO SOUTH VIETNAM LIES ETIRELY WITH THE DRV.

THE U.S. URGES THE DRV SIDE TO REMEDY THIS DANGEROUS SITUATION BY CEASING ALL VIOLATIONS OF ARTICLE 7 OF THE PARIS AGREEMENT; BY AT ONCE FORMALLY DESIGNATING SIX POINTS OF ENTRY AND SO INFORMING THE ICCS; BY AT ONCE BEGINNING DISCUSSIONS IN THE TPJMC REGARDING THE MODALITIES FOR THE SUPERVISION OF THE REPLACEMENT OF WAR MATERIALS PERMITTED UNDER ARTICLE 7; AND BY IMMEDIATELY INVITING THE ICCS TO SEND ITS TEAMS TO GIO LINH, LAO BAO, DUC CO, AND XA MAT, PROVIDING THEM WITH SUITABLE QUARTERS AND OTHER AMENITIES. ONLY IN THIS WAY CAN ARTICLE 7 OF THE PARIS AGREEMENT BE IMPLEMENTED AND VIOLATIONS BY EITHER SIDE BE PREVENTED.

THE DRV WILL RECOGNIZE THAT IT HAS A GRAVE RESPONSIBILITY
IN THIS MATTER AND THAT ON THE COURSE IT ELECTS TO FOLLOW THE
PROSPECTS FOR LASTING PEACE IN VIETNAM WILL DEPEND.

(COMPLEMENTARY CLOSE) END TEXT

4. ACTION REQUESTED. BECAUSE OF RISING SHRILLNESS OF COMMUNIST
ACCUSATIONS AGAINST US, I THINK WE SHOULD AVOID DELAY IN TAKING THIS
ACTION. REQUEST DEPARTMENT TO TRANSMIT ABOVE NOTE TO DRV NOT
LATER THAN FRIDAY, OCTOBER 26, PARIS TIME, TELEGRAPHING
SAIGON PLANNED DELIVERY DATE AT LEAST 24 HOURS EARLIER TO
PERMIT COORDINATED RELEASE OF PUBLIC STATEMENT BY GVN.
MARTIN. UNQUOTE
E. KISSINGER

SECRET

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